

Statement of Daniel K. Akaka

Senate Committee on Governmental Affairs

“Securing Our Infrastructure: Private/Public Information Sharing”

May 8, 2002

Thank you Chairman Lieberman for holding today’s hearing on information sharing between the private sector and the federal government as a part of our national strategy to protect our critical infrastructure. Such cooperation should be encouraged in order to safeguard America’s computer systems from devastating cyber attacks.

The inter-dependency and inter-connectivity of government and industry computer networks increase the risks associated with cyber-terrorism and cyber-crimes. Any security weakness has the potential of being exploited through the Internet to gain unauthorized access to one or more of these connected systems.

Information sharing can help protect our national security and critical infrastructure. The necessary exchange of information is furthered through President Clinton’s Presidential Decision Directive 63, which established ISACs – Information Sharing and Analysis Centers – to facilitate information sharing among private entities. The Directive fosters voluntary information sharing by various entities with the federal government to submit sensitive information that is normally not shared to enhance the prevention and detection of attacks on critical infrastructures.

I believe the sharing of information on vulnerabilities to the nation’s critical infrastructures is necessary. However, we must carefully examine legislation like S. 1456, which would make voluntarily shared information about critical infrastructure security exempt from release under the Freedom of Information Act. Exempting this information from disclosure might mean that state and local governments would not have adequate access to information relating to environmental and public health laws like the Clean Air Act. We must not provide inadvertent safe harbors for those who violate federal health and safety statutes.

I have heard from a number of my constituents who believe that measures to ease information sharing through a FOIA exemption would bar the federal government from disclosing information regarding toxic spills, fires, explosions, and other accidents without obtaining written consent from the company that had the accident. My constituents are concerned that other proposals could provide companies with immunity from the civil consequences of violating, among other things, the nation’s environmental, consumer protection, and health and safety laws. We must be careful not to harm the environment unintentionally or bar communities from acquiring vital public health information by enacting overly-broad legislation.

I look forward to hearing from our witnesses on how to promote information sharing between the government and private sector in a manner that does not turn back existing laws and regulations that protect the environment or our public health.

Thank you again Mr. Chairman for holding this hearing today.